

**TESTIMONY**

**SB2084**

**HTH Committee Hearing 1/27/2012**



NEIL ABERCROMBIE  
GOVERNOR

BRIAN SCHATZ  
LT. GOVERNOR

STATE OF HAWAII  
INSURANCE DIVISION  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

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KEALI'I S. LOPEZ  
DIRECTOR

GORDON I. ITO  
INSURANCE COMMISSIONER

TO THE SENATE COMMITTEE ON HEALTH

TWENTY-SIXTH LEGISLATURE  
Regular Session of 2012

Friday, January 27, 2012  
2:45 p.m.

**TESTIMONY ON SENATE BILL NO. 2084 – RELATING TO HEALTH INSURANCE.**

TO THE HONORABLE JOSH GREEN, M.D., CHAIR, AND MEMBERS OF THE  
COMMITTEE:

My name is Gordon Ito, State Insurance Commissioner ("Commissioner"),  
testifying on behalf of the Department of Commerce and Consumer Affairs  
("Department"). The Department takes no position on this bill.

The purpose of this bill is to prohibit insurers from requiring that a mammogram  
can only be obtained for persons over the age of forty with a physician referral. This is  
a medical matter that is outside our area of expertise.

We thank this Committee for the opportunity to present testimony on this matter.

# HMSA



An Independent Licensee of the Blue Cross and Blue Shield Association

January 27, 2012

The Honorable Josh Green M.D., Chair  
The Honorable Clarence K. Nishihara, Vice Chair

Senate Committee on Health

**Re: SB 2084 – Relating to Health Insurance**

Dear Chair Green, Vice Chair Nishihara and Members of the Committee:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify in support of SB 2084 which would allow covered individuals over 40 years of age to self-refer themselves for annual mammograms.

HMSA currently does not require a physician referral for mammograms. However, we respectfully request the Committee amends the language to specify that this measure refers to screening mammograms so that it is differentiated from diagnostic mammograms, which should be performed under the direction of a physician. A suggested draft SD1 is attached for consideration.

Thank you for the opportunity to testify today.

Sincerely,

A handwritten signature in black ink, appearing to read 'JDiesman', with a long horizontal stroke extending to the right.

Jennifer Diesman  
Vice President  
Government Relations

Attachment

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# A BILL FOR AN ACT

RELATING TO HEALTH INSURANCE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 431, Hawaii Revised Statutes, is  
2 amended by adding a new section to article 10A to be  
3 appropriately designated and to read as follows:  
4           "§431:10A- Mammograms; referral not required. (a) For  
5 purposes of the annual screening mammogram coverage required  
6 under section 431:10A-116, no insurer shall require an insured  
7 person over the age of forty to obtain a referral from a primary  
8 care provider or other physician for an annual screening  
9 mammogram.  
10           (b) If the screening mammogram indicates that follow up  
11 services are advisable, a referral shall be made to the  
12 patient's primary care physician or other physician, as  
13 designated by the patient."

14           SECTION 2. Chapter 432, Hawaii Revised Statutes, is  
15 amended by adding a new section to article 1 to be appropriately  
16 designated and to read as follows:  
17           "§432:1- Mammograms; referral not required. (a) For  
18 purposes of the annual screening mammogram coverage required  
19 under section 432:1-605, no mutual benefit society shall require  
20 a covered person over the age of forty to obtain a referral from  
21 a primary care provider or other physician for an annual  
22 screening mammogram.

# S.B. NO.

1 (b) If the screening mammogram indicates that follow up  
2 services are advisable, a referral shall be made to the  
3 patient's primary care physician or other physician, as  
4 designated by the patient."

5 SECTION 3. Chapter 432, Hawaii Revised Statutes, is  
6 amended by adding a new section to article 2 to be appropriately  
7 designated and to read as follows:

8 "§432:2- Mammogram coverage required; referral not  
9 required. (a) A fraternal benefit society shall provide  
10 coverage for an annual screening mammogram to the same extent as  
11 required under section 431:10A-116; provided that no fraternal  
12 benefit society shall require a covered person over the age of  
13 forty to obtain a referral from a primary care provider or other  
14 physician for an annual screening mammogram.

15 (b) If the screening mammogram indicates that follow up  
16 services are advisable, a referral shall be made to the  
17 patient's primary care physician or other physician, as  
18 designated by the patient."

19 SECTION 4. Section 432D-23, Hawaii Revised Statutes, is  
20 amended to read as follows:

21 "§432D-23 Required provisions and benefits.  
22 Notwithstanding any provision of law to the contrary, each  
23 policy, contract, plan, or agreement issued in the State after  
24 January 1, 1995, by health maintenance organizations pursuant to  
25 this chapter, shall include benefits provided in sections  
26 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116,  
27 431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120,  
28 431:10A-121, 431:10A-125, 431:10A-126, [~~and~~], 431:10A-122,  
29 431:10A- , and chapter 431M."

SB 2084 Mammograms, Self-Referral SD1Proposed HTH.docx

\*SB 2084 Mammograms, Self-Referral SD1Proposed HTH.docx2084\*

\*SB 2084 Mammograms, Self-Referral SD1Proposed HTH.docx2084\*

# S.B. NO.

1 SECTION 5. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect on July 1, 2012.

4 SECTION 7. This Act shall take effect upon its approval.

INTRODUCED BY: \_\_\_\_\_



1350 S. King Street • Suite 309 • Honolulu, Hawaii 96814 • [www.pphi.org](http://www.pphi.org) • Phone: 808-589-1156 • Fax: 808-589-1404

January 26, 2012

**Testimony in Support: SB 2084**

To: Chair Josh Green, Vice Chair Clarence Nishihara and Members of the Senate Committee on Health

From: Katie Reardon Polidoro, Director of Government Relations and Public Affairs

Re: Testimony in Support of SB 2084

Thank you for hearing my testimony in support of SB 2084, Relating to Health Insurance. Planned Parenthood of Hawaii (PPHI) believes that regular breast cancer screenings and regular self-examinations are key to preventing breast cancer and protecting women's lives. We also believe that all women should have access to affordable health care, including mammograms.

According to the American Cancer Society, women should receive annual mammograms starting at age 40 and should perform regular self-examinations starting in the 20's. They explain, "The most recent data show us that approximately 17 percent of breast cancer deaths occurred in women who were diagnosed in their 40s, and 22 percent occurred in women diagnosed in their 50s. Breast cancer is a serious health problem facing adult women, and mammography is part of our solution beginning at age 40 for average risk women."<sup>1</sup>

Due to the importance of routine mammograms and their important role in women's health, we think screening should be as accessible and affordable as possible. SB 2084 helps achieve that by prohibiting health insurers from requiring that women first visit a primary care physician and receive a referral. We support this measure and ask that you pass SB 2084.

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<sup>1</sup> *American Cancer Society Responds to Changes to USPSTF Mammography Guidelines*, American Cancer Society Press Release, 11/16/2009, <http://pressroom.cancer.org/index.php?s=43&item=201>

**LATE  
TESTIMONY**

**SB2084**

**HTH Committee Hearing 1/27/2012**



**LATE**



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January 26, 2012

Senate Committee on Health  
Senator Joshua Green, M.D., Chair  
Senator Clarence Nishihara, Vice Chair

**Hearing:**  
State Capitol Room 229  
January 27, 2012, 2:45 p.m.

**SB 2084 – Relating to Health Insurance**

Thank you for the opportunity to testify in support of SB 2084, which prohibits health insurers from requiring a referral from a primary care provider for a mammogram if the person is over the age of forty. The American Cancer Society is the nationwide, community-based, voluntary health organization dedicated to eliminating cancer as a major health problem by preventing cancer, saving lives, and diminishing suffering from cancer, through research, education, advocacy, and service.

Prevention and early detection are major factors in lessening the impact of cancer in our State. Breast cancer claims the lives of over one thousand women in Hawaii each year.<sup>1</sup> Early detection of breast cancer will save more lives. The earlier breast cancer can be treated, the higher likelihood that a patient will have a positive outcome. For these reasons, we support this measure.

Thank you for allowing us the opportunity to provide this testimony on this measure.

Sincerely,

A handwritten signature in black ink that reads "Cory Chun".

Cory Chun  
Government Relations Director

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<sup>1</sup> See American Cancer Society, *Cancer Facts and Figures 2011*, at page 5.  
<<http://www.cancer.org/acs/groups/content/@epidemiologysurveillance/documents/document/acspc-029771.pdf>>



Government Relations

Testimony of  
John M. Kirimitsu  
Legal and Government Relations Consultant

Before:  
Senate Committee on Health  
The Honorable Josh Green, M.D., Chair  
The Honorable Clarence K. Nishihara, Vice Chair

January 27, 2012  
2:45 pm  
Conference Room 229

**Re: SB 2084 Relating to Health Insurance**

Chair Green and committee members thank you for this opportunity to provide testimony on this bill regarding insurance coverage for mammograms.

**Kaiser Permanente supports this bill.**

In 2009, Kaiser Permanente Hawaii led the nation in mammography screenings for women, according to the National Committee on Quality Assurance's Quality Compass report. The 2009 Quality Compass report showed that, of all reporting health plans, Kaiser Permanente Hawaii had the highest breast cancer screening rate in the nation, with 85.1 percent of women age 42 to 69, or more than 25,100 patients, receiving their recommended mammograms. The national average was slightly over 72 out of 100.

Today, in continuing its commitment to early detection, Kaiser Permanente allows women over 40 years of age to "self-refer" for a screening mammogram at no charge. Therefore, no doctor's referral is necessary for these annual screening mammograms.

Thank you for your consideration.

711 Kapiolani Blvd  
Honolulu, Hawaii 96813  
Telephone: 808-432-5210  
Facsimile: 808-432-5906  
Mobile: 808-754-7007  
E-mail: John.M.Kirimitsu@kp.org

**LATE**

green1 - George

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 26, 2012 5:23 PM  
**To:** HTHTestimony  
**Cc:** robertscottwall@yahoo.com  
**Subject:** Testimony for SB2084 on 1/27/2012 2:45:00 PM

Testimony for HTH 1/27/2012 2:45:00 PM SB2084

Conference room: 229  
Testifier position: Support  
Testifier will be present: Yes  
Submitted by: Scott Wall  
Organization: Individual  
E-mail: [robertscottwall@yahoo.com](mailto:robertscottwall@yahoo.com)  
Submitted on: 1/26/2012

Comments: